

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP,  
BI-LEVEL PAP, AND MECHANICAL  
VENTILATOR PRODUCTS  
LITIGATION**

Master Docket No. 21-mc-1230-JFC

MDL No. 3014

This Document Relates to:

The Personal Injury Track

**JOINT MOTION TO CLARIFY DEADLINE FOR AMENDMENT OF  
MASTER PERSONAL INJURY COMPLAINT AND TO EXTEND  
DEADLINES TO RESPOND TO AMENDED COMPLAINT**

Defendant Philips RS North America LLC (“Respironics”) and Plaintiffs, jointly through their undersigned counsel, respectfully move to (i) clarify the deadline for Plaintiffs to file an amended master long form complaint for personal injuries (the “Amended PI Complaint”), (ii) extend by two weeks the deadline for Respironics to respond to the Amended PI Complaint; (iii) establish a schedule for briefing if Respironics chooses to move to dismiss the Amended PI Complaint; and (iv) stay Respironics’ obligation to file an answer in response to the Amended PI Complaint pending further order of the Court following completion of all proceedings related to Respironics’ motion to dismiss the Amended PI Complaint.

*First*, on January 24, 2024, this Court issued an Opinion adopting in part the Special Master’s Report and Recommendation on Respironics’ motion to dismiss the master long form complaint for personal injuries, and granting in part Plaintiffs’ request for leave to amend. *See* ECF No. 2471. The Opinion states that Plaintiffs may file the Amended PI Complaint “within 14 days of the opinion,” which would make the amended complaint due on February 7, 2024. *See* Opinion at 7. The Opinion also directs, however, that the amended complaint be filed “on or before February 12, 2024.” *See id.* at 17. The parties respectfully request clarification that the deadline for plaintiffs to file the Amended PI Complaint is **February 12, 2024**.

*Second*, the Opinion states that the deadline for Respironics to respond to the Amended PI Complaint is February 26, 2024. *See* Opinion at 18. The parties agree that a brief extension of the deadline related to any such response would be beneficial. As such, the parties kindly request to extend this deadline by two weeks to **March 11, 2024**.

*Third*, in the event that Respironics moves to dismiss the Amended PI Complaint, the parties wish to set a briefing schedule establishing that Plaintiffs must respond to Respironics' motion to dismiss by **April 10, 2024**, and that any reply is due on **April 24, 2024**.

*Finally*, in light of Plaintiffs' anticipated amendment of the master long form complaint for personal injuries and Respironics' expected motion to dismiss any such amended complaint, the parties agree that it would be most efficient for Respironics to answer the Amended PI Complaint only after the Court rules on Respironics' motion to dismiss the Amended PI Complaint. The parties therefore request that the Court enter an order staying Respironics' obligation to answer the Amended PI Complaint pending further order of the Court.

For these reasons, the parties request that the Court enter the attached proposed Order.

Dated: February 2, 2024

Respectfully submitted,

/s/ John P. Lavelle, Jr.

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*Plaintiffs' Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 2, 2024, the foregoing document was electronically filed with the Clerk of the Court and served upon counsel of record through the Court's ECF system.

/s/ John P. Lavelle, Jr.  
John P. Lavelle, Jr.